

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

MOUNTAIN VALLEY PIPELINE, L.L.C., : Civil Action No. 2:17-cv-04214

: Plaintiff, : Judge John T. Copenhaver, Jr.

: vs.

AN EASEMENT TO CONSTRUCT, :  
OPERATE AND MAINTAIN A 42-INCH :  
GAS TRANSMISSION LINE ACROSS :  
PROPERTIES IN THE COUNTIES OF :  
NICHOLAS, GREENBRIER, MONROE, :  
SUMMERS, BRAXTON, HARRISON, :  
LEWIS, WEBSTER, AND WETZEL, WEST :  
VIRGINIA, et al. :

: Defendants.

**PLAINTIFF MOUNTAIN VALLEY PIPELINE, LLC'S RESPONSE IN OPPOSITION  
TO LANDOWNERS' MOTION FOR RECONSIDERATION OF AND/OR  
CLARIFICATION OF THE COURT'S DECEMBER 15, 2017 ORDER**

Plaintiff Mountain Valley Pipeline, LLC (“MVP”) files this response in opposition to the Motion for Reconsideration and/or Clarification (Doc. No. 114) submitted by Defendants Orus Ashby Berkley, Reinhard Bouman, Ashofteh Bouman, Tammy Capaldo, Robert M. Jarrell, Allen Walter Lehr, Jeffrey D. Osborne, Kiranasa Swami, Ronald Tobey, and Elizabeth Tobey (the “Moving Landowners”). This Court’s Order dated December 15, 2017 (Doc. No. 97) was issued after consideration of the arguments made during the status conference on December 14, 2017, and accompanying briefing on these issues.

The schedule for expedited discovery and briefing on the motions for summary judgment and motions for access allows all parties adequate time to issue and respond to discovery requests and address any objections or issues related to discovery. MVP has already begun producing documents responsive to the five categories that the Moving Landowners raised in their Motion for Expedited Discovery (Doc. No. 29). MVP will work expeditiously to respond to

the discovery requests already issued by the Moving Landowners on December 15, 2017, and any other discovery requests issued by other defendants, and MVP will work diligently to resolve any discovery-related issues pursuant to this Court's December 15, 2017 Order.

Further, the schedule ordered by this Court provides adequate time to complete briefing on MVP's Motion for Partial Summary Judgment and Immediate Access for Surveying (Doc. No. 4) and MVP's Motion for Partial Summary Judgment and Immediate Possession for Construction (Doc. No. 6), which have been on file with this Court since October 27, 2017, or 53 days as of the date of this filing. As counsel for MVP indicated at the status conference on December 14, 2017, MVP has already produced thousands of pages of documents, including publicly available documents to which the defendants already had access even prior to requesting discovery in this matter, to any party who has requested access to those documents, and MVP continues to produce relevant documents as those documents become available. Accordingly, contrary to the Moving Landowners' assertions that it will not have the benefit of discovery prior to completing briefing on MVP's motions, *see* Doc. No. 114 at 4-5, the Moving Landowners and any other defendant has the ability to review the significant volume of documents already produced by MVP prior to this Court's deadlines for briefing on MVP's motions.

The Moving Landowners' request for additional time to complete briefing on these motions is unnecessary, and this Court should deny the Motion for Reconsideration and/or Clarification of its December 15, 2017 Order.

December 20, 2017

REED SMITH LLP

/s/ Nicolle R. Snyder Bagnell  
Nicolle R. Snyder Bagnell  
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*Counsel for Plaintiff Mountain Valley  
Pipeline, L.L.C*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via the Court's ECF system on all counsel of record, and by U.S. First Class Mail upon the individuals identified on the attached Service List.

Dated: December 20, 2017

/s/ Nicolle R. Snyder Bagnell

**SERVICE LIST**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following via U.S. First Class Mail:

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Dated: December 20, 2017

/s/ Nicolle R. Snyder Bagnell